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Letter dated 4 April 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 2 October 2003 (S/2003/960). The Counter-Terrorism Committee has received the attached third report from Cameroon submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)

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Annex

[Original: French]

Note verbale dated 28 March 2005 from the Permanent Mission of Cameroon to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Cameroon to the United Nations presents its compliments to the Committee and, with reference to its letter dated 26 September 2003, has the honour to transmit herewith the third report by Cameroon on national measures to combat terrorism.

Enclosure

[Original: French]

Third report submitted by Cameroon to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I. Introduction

1. Please provide a description of activities, if any, by Osama bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as the likely trends.

To date, the competent Cameroonian services have no knowledge of any presence in the national territory of the Taliban or individuals and entities associated with the Al-Qaida network.

Moreover, there is nothing to indicate that the Cameroonian banking network is being used for transactions involving transfers of assets belonging to the Al-Qaida network.

It has now been clearly established, however, that the Al-Qaida network has attempted to circumvent the sanctions imposed against it, particularly in the area of finance, by increasing the number of its staging posts in all regions of the world. Unfortunately, many States currently lack the capacity and expertise to monitor financial transfers carried out by terrorist networks. Although for the time being Cameroon has not detected any suspicious activities linked with the Al-Qaida network, the situation requires constant vigilance on the part of our country as well as adequate coordination at the Central African level.

II. Consolidated List

2. How has the 1267 Committee's list been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

Following the tragic events of 11 September 2001, the Ministry of the Economy and Finance sent a circular on 14 December 2001 to all credit institutions and to the national director of the Bank of Central African States calling for their vigilance as to the possible use of our financial system by individuals and entities for the purpose of hiding, laundering or transferring assets linked to their terrorist activities.

Within the context of the implementation of resolutions 1267 (1999), 1390 (2002) and 1455 (2003), the consolidated list of the Committee has been distributed to all the country's administrative structures involved in combating terrorism, including the Ministry of Foreign Affairs, the Ministry of the Economy and Finance, the Ministry of Defence, the National Security Department, the External Research Department, the Bank of Central African States, banks and credit institutions operating in Cameroon, and diplomatic and consular missions.

The goal of the Cameroonian Government at this point is to be able to ensure the most comprehensive distribution possible and effective use of this list by all of these structures. In that respect, Cameroon would like to receive external technical assistance, including appropriate training, provision of adequate technological and data-processing tools to monitor the movement of persons and goods at border posts and screen the transfer of dubious assets, etc.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list? If so, please describe these problems.

To date, the competent services have not called in for questioning any listed individual or individuals with matching names. Given that our country has a significant Sunni Muslim community, however, there is a genuine risk of making mistakes. Cameroon therefore appreciates the improvements made to the list on the recommendation of the Monitoring Group.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

No designated individual or entity has been identified in Cameroonian territory to date. Some security measures have been taken for that purpose by the competent services.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or Al-Qaida that have not been included in the list, unless to do so would compromise investigations or enforcement actions.

No names of individuals or entities associated with Osama bin Laden or members of the Taliban or Al-Qaida that have not been included in the Committee's list have been identified to date by the competent Cameroonian authorities.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list? Please specify and elaborate, as appropriate.

No lawsuits or legal proceedings have been instituted against the Cameroonian authorities. To date, our country has not apprehended or identified individuals or entities associated with Osama bin Laden, the Taliban or the Al-Qaida network.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

For the time being, the list does not include the name of any individual believed to be a national or resident of Cameroon.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.

There is no specific legislation to prevent individuals and entities from recruiting or supporting Al-Qaida members in carrying out activities inside Cameroon and to prevent individuals from participating in Al-Qaida training camps established in another country. There are, on the other hand, several appropriate instruments that might help meet that objective, including:

- The Criminal Code, which penalizes:
  - Criminal association and conspiracy (articles 9 and 95);
  - Armed bands (article 115);
  - Vagrancy (article 247);
  - Dangerous preparations (article 248);
- Act No. 97/012 of 20 January 1997, establishing the conditions for foreign nationals to enter, stay in and depart from Cameroon, and its implementing decree;
- Act No. 97/021 of 10 September 1997 concerning private security activities;
- Act No. 2001/019 of 18 December 2001 penalizing offences and acts against the safety of civil aviation;
- Decree No. 73/658 of 22 October 1973 governing the import, sale, transfer, possession and carrying of firearms and ammunition.

III. Financial and Economic Assets Freeze

Under the sanctions regime (paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002)), States are to freeze without delay the funds and other financial assets or economic resources of the listed individuals and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, assets or resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.

For the purposes of implementation of the financial prohibitions in this sanctions regime, "economic resources" is defined to mean assets of every kind, whether tangible or intangible, movable or immovable.

9. *Please describe briefly:*

   - *The domestic legal basis to implement the asset freeze required by the resolutions above;*
   - *Any impediments under your domestic law in this context and steps taken to address them.*

Cameroon has not taken specific measures against Osama bin Laden, the Taliban, the Al-Qaida network and their associates. Nevertheless, it has structures and mechanisms that would enable it to identify and freeze funds and financial assets or economic resources of listed persons, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction.

Among such mechanisms are the Criminal Code and Act No. 63/4 of 19 June 1963 on currency control, Act No. 83/002 of 21 July 1983 governing public charity drives and its implementing decree No. 85/1131 of 14 August 1985, and Regulation No. 01/03-CEMAC-UMAC-CM of 4 April 2003 on the prevention and suppression of money-laundering and the financing of terrorism in Central Africa adopted by the Central African Economic and Monetary Community (CAEMC).

Article 97 of the Criminal Code, which penalizes terrorist acts, is also the legal basis for the prohibition and suppression of their financing. Co-perpetrators and accomplices are subject to the same penalties as the main perpetrator (article 98 of the Criminal Code).

Aside from prison terms and fines, certain accessory penalties may be imposed (termination of rights, closure of premises and confiscation (article 19 of the Criminal Code)) and security measures may be taken to prevent repeat offences (prohibition against practising a profession, penal relegation and surveillance measures (article 20 of the Criminal Code)), confiscation of all moveable and immoveable goods belonging to the convicted person, and seizure.

Articles 118 to 129 of the Criminal Code provide for special confiscation measures when the security of the State is threatened. Article 36 of the Criminal Code, which deals with the prohibition against persons convicted of a crime or misdemeanour exercising a profession when it is found that the offence committed is directly related to the exercise of the profession and there are serious fears that there would be a risk of recidivism for the convicted person.

Act No. 63/4 of 19 June 1963 on the application in the territory of the Republic of Cameroon of the currency regulations of the franc zone includes provisions which, while not specifically aimed against terrorist activities, contribute to preventing their financing. In accordance with this act, the Minister of the Economy and Finance, in his capacity as monetary authority, is empowered to order the freezing of funds, financial assets or economic resources in banks and financial institutions. He is therefore able to prosecute violations of the currency regulations.

Aside from the suppression of violations or attempted violations of the provisions of the laws concerning assets abroad and inventories of those assets, violations or attempted violations of currency regulations are identified, prosecuted and punished. Our legislation therefore provides an appropriate legal framework under which the freezing of assets is entirely feasible.

Regulation No. 01/03-CEMAC-UMAC-CM of 4 April 2003 on the prevention and suppression of money-laundering and the financing of terrorism in Central Africa adopted by CAEMC is also relevant. Its implementation will complement and enhance the structures and mechanisms for identifying financial networks connected with Osama bin Laden, Al-Qaida and the Taliban and those who provide support to these entities or to individuals or groups associated with them.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

As mentioned previously, there are structures and mechanisms within the Cameroonian administration enabling it to identify suspicious financial transactions and networks, even though they are not specifically aimed at financial networks connected with Osama bin Laden, Al-Qaida or the Taliban or those who provide support to such entities, or to individuals or groups associated with them.

Nevertheless, as indicated above as well as in the reports submitted by Cameroon pursuant to resolution 1373 (2001), there are structures and mechanisms within the Cameroonian administration which enable it to identify suspicious financial transactions and networks.

In accordance with Act No. 63/4 of 19 June 1963 on the application in the territory of the Republic of Cameroon of the currency regulations of the franc zone, all natural and legal persons residing in Cameroon are required to declare all foreign currency in their possession in Cameroon within eight days and to transfer it to the banking system. All resident natural or legal persons are required to declare and repatriate all assets held abroad.

All transfers of funds outside the zone are also subject to currency control through authorization of the transfer granted by the Minister of the Economy and Finance, the monetary authority.

Moreover, under the new CAEMC currency regulations, all current transfers must be carried out directly by banks and they are required to notify the monetary authority after the completion of the transaction. In that respect, by circular letter No. 624/MINFI/DCE of 5 November 1983, the Ministry of Finance instructed bank managers to exercise increased vigilance in the conduct of transfers. Appropriate supporting documents are required for any transfer. The movement of funds above a certain amount continues to be subject to prior authorization. All transfers exceeding 100 million CFA francs are thus subject to prior authorization from the monetary authority. Credit institutions are required to report any suspicious transactions, including those involving unknown persons, excessively high amounts or funds of dubious origin. The criteria for evaluating such cases involve examining the documents of any transaction. The administrative measures taken at the level of banks concern the obligation to identify clients as well as financial beneficiaries.

In the light of the strategies used by terrorist networks to circumvent the law, the current mechanism now allows for particular monitoring of certain transactions involving sums with a unit or total value of over 500,000 CFA francs. Particular vigilance is practised with respect to electronic transfers of international or domestic funds.

As indicated above, the mechanisms set up by the Bank of Central African States to combat money-laundering and the financing of terrorism in CAEMC may also be cited. These mechanisms include the Action Group against Money Laundering in Central Africa (GABAC), which is a framework for international cooperation acting as a regional group as advocated by the Financial Action Task Force on Money Laundering (FATF).

This mechanism originated in a joint declaration adopted at the Conference of Heads of State of CAEMC in December 2000. The Action Group against Money Laundering in Central Africa was established by an additional act adopted by the Heads of State. Regulation No. 02/02/CEMAC/UMAC/CM on the organization and functioning of the Action Group gives it the means to support activities undertaken

in the member States within the framework of combating money-laundering and proceeds from crime.

The Conference of Heads of State appointed the Permanent Secretary of GABAC on 23 January 2003 at Libreville. On 28 March 2003, the Ministerial Committee of the Central African Monetary Union (CAMU) strengthened its legal framework to combat money-laundering by adopting a statute on the prevention and suppression of money-laundering and the financing of terrorism.

The CAEMC statute consolidates the necessary rules to combat money-laundering as well as those that deal with the financing of terrorism and organized crime. It combines preventive and repressive measures. It specifies, in accordance with its article 4, the rules for the early warning, detection, prevention and suppression of the use of the financial system or other economic sectors of the CAEMC States for the purposes of laundering money of dubious and illicit origin or financing terrorist acts.

The regulation specifies the entities on which it imposes obligations. They include principally financial institutions (under a broad definition including national mints and treasuries), money changers as well as some non-financial professions, including legal professions (notaries, lawyers and others), and accountants, dealers in certain goods (precious stones, antiques and art works), real estate agents and casinos.

The obligations imposed on financial institutions include identifying their clients, declaring transactions deemed to be suspicious, closely scrutinizing certain kinds of operations, keeping records and ensuring proper management.

The regulation establishes in each member State a financial intelligence unit called the National Financial Investigation Agency. These agencies, which are yet to be established, will be the cornerstone of the system and will spearhead efforts to combat money-laundering in the subregional system. They will be attached to the Ministry of Finance and their organization and functions will be specified by a decree based on the model adopted at the Ministerial Conference. Consultations and studies are under way in Cameroon.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

The steps that banks and financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of Al-Qaida or the Taliban or associated entities or individuals, have been described in the previous paragraph. They too will be complemented and enhanced by regulation No. 01/03-CEMAC-UMAC-CM of 4 April 2003 on the prevention and suppression of money-laundering and the financing of terrorism in Central Africa.

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and

1390 (2002). Please include, to the extent possible, in each listing the following information:

- *identification(s) of the person or entities whose assets have been frozen;*
- *a description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);*
- *the value of assets frozen.*

To date, no transaction involving individuals or entities included in the list established by the Committee has been reported in Cameroon and therefore, no assets have been frozen.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic resources that had previously been frozen as being related to Osama bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

To date, no financial assets or economic resources that might be related to Osama bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities have been reported to exist in Cameroon and therefore Cameroon has not had to unfreeze any funds.

14. Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- *The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.*
- *Required bank-reporting procedures, if any, including the use of suspicious transaction reports, and how such reports are reviewed and evaluated.*
- *Requirements, if any, placed on financial institutions other than banks to provide suspicious transaction reports, and how such reports are reviewed and evaluated.*
- *Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.*
- *Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.*

The legal provisions referred to above under question 9 apply generally. Specific provisions have not been adopted as Cameroon has not yet had to face this terrorist phenomenon. It should be noted, however, that Cameroonian and the Central African Economic and Monetary Community legislation can to a certain extent deal with this situation.

IV. Travel ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of listed individuals (paragraph 1 of resolution 1455 (2003), paragraph 2 (b) of resolution 1390 (2002)).

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

As indicated in its reports submitted in accordance with resolution 1373 (2001), Act No. 97/012 of 10 January 1997 which establishes the conditions for aliens' entry into, stay in and departure from Cameroon and decree No. 2000/286 of 12 October 2000 specifying the conditions for aliens' entry into, stay in and departure from Cameroon simplify the procedures for non-admission, escort to the border and deportation. In addition, police officials at border points have the authority to deny entry into the national territory of any suspicious alien even if that person has an entry visa.

Since 11 September 2001 control has been strengthened along the Cameroonian borders, and aliens who enter, live in and depart from Cameroon are registered in a special file. In addition, the National Security Department has computerized the files of passengers at the two busiest airports in Cameroon, in Yaoundé and Douala.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

No problem has been reported to date, but all the border points have been instructed to be vigilant.

17. How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?

There are some entry points that do not have the capability of searching data using electronic means, but transmission may be made by command post radio. Cameroon would like assistance for that purpose.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

No listed individual has been stopped to date at any of the border points of Cameroon.

19. Please provide an outline of the measures, if any, taken to incorporate the list in the reference database of your consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?

The most recent version of the consolidated list has been sent to our consular and diplomatic services.

To date, no visa-issuing authority of Cameroon has identified any visa applicant whose name appears on the list.

V. *Arms embargo*

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale and transfer, to Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related materiel of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2 (c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003)).

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

Cameroon has no weapons industry. That said, there is no special legislation in Cameroon to specifically prevent the acquisition of conventional arms and weapons of mass destruction by Osama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them in places where they are located, given that they are not in our country.

Nevertheless, as indicated in the reports submitted pursuant to resolution 1373 (2001), decree No. 73/658 of 22 October 1973 regulates the acquisition (import, sale or transfer), possession and carrying of firearms for commercial purposes (for hunting).

Generally, only the Ministry of Defence may acquire weapons of war.

Any purchase or possession of firearms is subject to written authorization by the Ministry of Territorial Administration. Such authorization is granted only to persons considered to be of good character, following background checks conducted by gendarmerie officials and special divisions of the national police.

There may be occasions, however, when offenders gain possession of firearms through illicit channels (organized crime, locally manufactured goods and road block gangs).

At an entirely different level, it should be borne in mind that Cameroon hosts many aliens who have authorization to bring weapons into the country temporarily. A list of such persons is maintained by the Ministry of Territorial Administration and Decentralization and by the immigration services (ports, airports and border points).

Such persons are prohibited from passing on their weapons to Cameroonians and from re-exporting them at the end of their stay. Their movement in the national territory is monitored to prevent them from selling their weapons in Cameroon. Weapons, munitions and explosives intended for neighbouring landlocked countries

sometimes pass in transit through Cameroon. Such shipments are escorted by the competent Cameroonian services of the port of disembarkation (Douala) to the border with the country concerned to prevent illegal trafficking in and possession of weapons.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

No specific measures directed at Osama bin Laden and others have been adopted, although Cameroonian laws may punish this type of offence. Several provisions of the Criminal Code deal with this.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Cameroonian legislation sets forth very strict requirements for granting arms and arms broker licences.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

Cameroon does not produce weapons, with the exception of traditional weapons made in some regions of the country for hunting game and used during traditional parades.

VI. Assistance and conclusion

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

Cameroon is unable to provide any technical, technological, scientific or financial assistance, aside from information available to it within the framework of cooperation among the services of various countries.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity-building would improve your ability to implement the above sanctions regime.

Cameroon would like to strengthen the capacities of its services responsible for the implementation of measures adopted under resolution 1267 (1999). In that regard, our country would like to receive external technical assistance, including:

- Appropriate training in the area of counter-terrorism for law enforcement personnel, border police, customs officers and banking personnel;
- Provision of technical equipment for identification, detection, surveillance and monitoring and appropriate technological and data-processing tools to monitor the movement of persons at border points;

– Technological and data-processing tools to monitor transfers of funds and foreign exchange transactions.

26. Please include any additional information you believe pertinent.

By decree No. 99/015 of 1 February 1999, an intervention unit of the Gendarmerie was established for the purposes of:

– Maintaining and restoring order;

– Combating terrorism; and

– Combating organized crime.

Under the guidance of the United Nations, Cameroon endeavours to the best of its ability to abide by United Nations resolutions. That is why it is requesting that assistance be granted to it to combat terrorism effectively.